

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5107 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MANSINH V DHANDHAL

Versus

DIRECTOR GENERAL OF POLICE

Appearance:

MR YN OZA for Petitioner
NOTICE SERVED for Respondent No. 1, 3, 4
MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 08/12/1999

ORAL JUDGEMENT

1. Shri Manish V.Dhandhal, the petitioner, has
filed this petition under Article 226 of the Constitution
of India challenging the order of suspension to be issued

against him on the ground that FIR is lodged against the petitioner at Shahibaug Police Station for the offences punishable under the Prohibition Act. The order of suspension, dated 27.9.87 is annexed at Annexure "A" to the petition. Petitioner has prayed for quashing of the said suspension order on the grounds mentioned in the petition. He has also prayed for interim relief staying the operation of order of suspension and not to disturb the petitioner from discharging his duties as Constable or to maintain statusquo as on the previous day of passing of the order of suspension pending hearing and final disposal of the petition.

2. When the matter came up for hearing before this court (Coram:J.P.Desai,J) on 28.9.87 passed the following order:

"Notice pending admission returnable on 1.10.87.

Ad-interim relief in terms of para 12(C). Direct service permitted."

3. On behalf of respondent, Mr.P.N.Gohil, Commandant, SRP, Group VIII, Gondal has filed affidavit-in-reply and stated that the petitioner has consumed liquor and along with another person he was behaving in vulgar manner on a public road and therefore complaint against him was filed under Prohibition Act. It was stated that the petitioner is a member of SRP force to whom provisions of Bombay Police Act and Bombay Police (Punishment & Appeal) Rules will apply. It was stated that in view of the criminal complaint filed against him and in view of pending investigation of said offence suspension order dated 27.9.87 was served on him.

4. When the matter reached for hearing before this court Ms.Harsha Devani, Ld.AGP appearing on behalf of the respondent on instructions from the Government stated that the petitioner has been acquitted in the Prohibition Case No.9/87 and therefore the suspension order is not implemented. She has further stated that in view of the above fact at present no departmental proceedings have been initiated against the petitioner. She has also produced the judgment dated 23.5.91 passed by the criminal court and it is ordered to be taken on record.

5. In view of the aforesaid statement made by the Ld.AGP, Mr.Y.N.Oza, Ld.Sr.Advocate for petitioner seeks permission to withdraw the petition at this stage with liberty to approach this court in case of difficulty.

Permission is accordingly granted. Petition stands disposed of as withdrawn. Rule is discharged. Interim relief granted on 28.9.87 stands vacated. No order as to costs.

8.12.1999 (K.M.MEHTA,J)